

County of San Diego, Health and Human Services Agency (HHSA)

CalWORKs Program Guide

Notice of Action (NOA) Requirements

Number

22-000.A

Page

1 of 3

Background:

Notices of Action (NOAs) are written notices that inform applicants and recipients of intended County actions regarding their application or case. NOAs must be adequate and timely with certain [exceptions](#), and may be received by mail or via [electronic notification](#).

MPP 22-071 and 40-173; ACL 13-61

Notice of Action Definitions

A. **Adequate Notice:** A written notice to the applicant or recipient that:

1. Informs of the intended case action and specific reason(s) for the action
2. References the applicable state and/or federal regulation(s) that support the intended action
3. Advises of his/her right to request a state hearing
4. Describes the conditions for which aid paid pending may be issued
5. Notifies that aid paid pending must be repaid if the County action is upheld.

MPP 22-001(a)(1)

Note: The NOA must also inform the applicant or recipient of what information or action is needed, when appropriate, to reestablish eligibility or determine the correct amount of aid.

MPP 22-071.6

B. **Timely Notice:** A written notice that is mailed to the applicant or recipient at least 10 calendar days before the intended action takes effect. The 10-day period does not include the NOA mailing date or the effective date of the action.

MPP 22-001(t)(1) and 22-072.4

Policy:

22-000.A.1 Case-Specific Information

Every NOA must include information that is sufficient for the applicant or recipient to determine what the issue is, be able to understand the action taken, and decide if a request for a hearing is needed.

The NOA must provide case-specific information regarding the facts that were used in the eligibility determination, and, if applicable, a budget showing the calculation of the payment amount.

ACIN I-02-14

22-000.A.2 Readability

The NOA must be written in clear, nontechnical language. [Turner v. McMahon](#) requires all NOAs to be written at a 6th grade level in order to be understandable.

MPP 22-071.4 and ACIN I-02-14

22-000.A.3 Language and Disability Access ([Civil Rights Policy](#))

The NOA must be provided in the applicant or recipient's preferred language when available. If a translated NOA is not available, the English NOA must be provided with the *Notice of Language Services (GEN 1365)* and a County contact number.

Reasonable accommodations must be provided when an applicant or recipient has a disability.

ACIN I-02-14

County of San Diego, Health and Human Services Agency (HHSA)

CalWORKs Program Guide

Notice of Action (NOA) Requirements	Number	Page
	22-000.A	2 of 3

22-000.A.4 Adequate Notice Requirements

An [adequate notice](#) must be provided for the following actions:

- A. An approval or increase of aid
- B. A denial, decrease, cancellation, suspension, or discontinuance of aid
- C. No change in the aid payment amount following a mid-period report
- D. A demand for repayment of a CalWORKs or supportive services overpayment
- E. Actions resulting from a conditional withdrawal of a request for a state hearing
- F. A denial of an Immediate Need (IN) request
- G. Compliance actions regarding a state hearing decision
- H. A change to the manner or form of payment to a protective or vendor payment.

See [MPP 22-071.1](#) for additional situations that require adequate notice.

22-000.A.5 Timely Notice Requirements

[Timely notice](#) must be provided for most negative actions, such as a decrease, cancellation, suspension, or discontinuance of aid, with certain [exceptions](#). Timely notice is also required for a change in the manner or form of payment to a protective or vendor payment

MPP 22-072.1

Reminder: If timely notice cannot be provided to decrease or discontinue aid, an overpayment must be established unless the recipient signs a 10-day waiver, as outlined in [CPG 44-350.A](#).

22-000.A.6 Timely Notice Exceptions

Timely notice is not required; however, adequate notice must be provided no later than the effective date of the intended action, when the County receives:

- A. Information regarding the death of an applicant or recipient
- B. A written request signed by the applicant or recipient to withdraw an application or discontinue aid
- C. A written request signed by the recipient to decrease or discontinue aid without timely notice (10-day waiver)
- D. Notification of the removal of an aided child from the home due to foster care placement.

See [MPP 22-072.2](#) for additional situations that do not require timely notice.

Procedure:

Eligibility and employment services staff must ensure all manual and system-generated NOAs meet the requirements outlined in this policy.

Required Actions:

1. Use the appropriate NOA for the intended case action. Only NOAs that have been approved by the State or Eligibility Operations may be used.
2. Ensure the NOA is adequate and includes sufficient case-specific information. Add manual variables and freeform text to system-generated NOAs as needed.
3. Document the issuance of the NOA in case comments, including any language services or reasonable accommodations provided.
4. Retain a copy of the NOA as part of the case record. The copy may be stored electronically or in the physical case file, as appropriate.

**County of San Diego, Health and Human Services Agency (HHSa)
CalWORKs Program Guide**

Notice of Action (NOA) Requirements	Number	Page
	22-000.A	3 of 3

Impacts:

CalFresh: [CFPG 63-303](#)

Child Care: [CPG 10-010.T](#)

Medi-Cal: [MPG 04.17](#)

References:

[MPP 22-001\(a\)\(1\)](#)

[MPP 22-001\(t\)\(1\)](#)

[MPP 22-071](#)

[MPP 22-072](#)

[MPP 40-173](#)

[ACIN I-02-14](#)

[ACL 13-61](#)

Release Date:

1/30/2015

Sunset Date:

This policy will be reviewed for continuance by 1/31/2018.